

JAN 28 2008 a/c
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MICHAEL W. DORRINS
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT
COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LOUIS P. SHEPTON

v

P. HARVEY ET AL

Case # 08 CV 0116

Emergency Legal Memo To Court

LEGAL MEMORANDUM

Plaintiff herewith submitting the attached
LEGAL MEMORANDUM with regard to
Defendant's Request to follow-up on a
positive Mammogram and Torn Rotator Cuff
or Left Shoulder and disclosure of medical
records.

LEGAL MEMORANDUM

Plaintiff asserts that Defendant(s) had an obligation under law to insure that the correct medical records were sent to Plaintiff's facility, Uniform Health Care Information Act § 2-101(a).

That Defendant(s) breached that act when they discuss the Health Care records of someone other than Plaintiff. Id.

Hospitals Conference Committee Report No 93-1597

(1974) Page 11 and used them as Plaintiff's records

THAT JAMES T. CALE'S MEDICAL RECORDS
ARE EVIDENTIARY PROOF OF WRONGDOING. SEE
UNIFORM RULES OF EVIDENCE, RULES 803(6).

FURTHER PLAINTIFF CITES THAT EXHIBITS
ATTACHED TO THE COMPLAINT, IN THIS CASE
ARE RECORDS KEPT PURSUANT TO A ROUTINE
PROCEDURE DESIGNED TO ASSURE ACCURACY AND
ARE NOT PREPARED FOR LITIGATION. CAPITAL

MARINE SUPPLY v. M/V ROSEDALE THOMAS, 719 F.2d 104;

U.S. v. GLASSER, 173 F.2d 1553 (CA 5 LA)

Plaintiff has irrefutable proof of
Uniform Health Care Information Act VIOLATIONS

By Defendant Saint Anthony,¹¹ and even after
being notified failed to attempt to recover²¹

said medical records, U.S. v. SANDERS, ⁴ 719 F.2d 195,

16 Fed Rules of Evidence Sec 1274; U.S. v. CROFT,

150 F.2d 1354, AND CONTINUED WRONGFUL DISCLOSURE.

Additionally, Defendant ^{WALTER} SUTOR AND Harvey

HAD/AN OBLIGATION TO CONTINUE TREATMENT OF

Plaintiff's Shoulder Injury³¹ INSTEAD OF PREMATURE

11 AND P. Harvey, Document AT MCC

21 OR CORRECT

31 AND BREAST CANCER

DISCHARGE OF PLAINTIFF. BALDOR v. ROGERS

81 So 2d 658, 55 ALR 2d 453 (FLA 1954).

Plaintiff cites ABANDONMENT BY SUTORI; and Harvey.

TAROCCI - Novak v. GRUNTHIER, 745 A2d 939 (2000 DC)

Additionally Plaintiff cites that

Negligence¹ was found supportable

WHERE A DOCTOR FAILED TO HAVE A Biopsy

MADE IN ORDER TO DETERMINE WHETHER OR

NOT A GROWTH WAS MALIGNANT. Jewell v.

MICHAEL, 428 Fed 598 (8th Cir 1970); Overholt

v. KICEDIJIAN, 511 Fed 511 (1975)

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1) And 8 Amendment Violations Too!

2) From UIC via Tenthonic Section 1/10/08 (No Lowiness).

By the same token Sutor or Harvey
should of ordered an MRI and/or Biopsy

of Plaintiff's Breast and Shoulder. ¹¹ Id

SEE ALSO: FORTNER v. KOCH 272 Mich. 273
261 N.W. 762 (1935); O'DRISCOLL v. STOREY, 443 F.2d
1013; Harley v. Southern Pacific Employee Ass'n,
10 Ariz. App. 464, 459 P.2d 743 (1935)

In short the treating physician and
Hospital breached their duty of care to the

Plaintiff, thereby causing his injury (es)

¹¹ Several Doctors ordered follow-ups inclusive
of Sutor, and afterwards - however to date
no one has followed up the injury or breast
mass

BECAUSE THEY LACKED THE KNOWLEDGE &
SKILL POSSESSED BY AN AVERAGE PHYSICIAN
IN THE COMMUNITY AT THE TIME, THAT
THEY FAILED TO EXERCISE ORDINARY AND
REASONABLE CARE IN THE APPLICATION OF
THEIR KNOWLEDGE AND SKILL, AND THEY
FAILED TO USE THEIR BEST JUDGMENT
IN THE APPLICATION OF THIS KNOWLEDGE
AND SKILL. METZEN v. U.S., 19 F3d 295 (1994);
Craig v. MURPHREE, 35 FED APPX 765 (10 Cir 2002)
AND CAUSED PLAINTIFF CRAIG OF UNUSUAL PUNISHMENT. IN

WHEREFORE, BASED UPON THE LEGAL
MEMORANDUM, LAWS OF THE UNITED STATES,
AND CITATIONS OF AUTHORITY, PLAINTIFF
MOVES THAT COUNSEL BE APPOINTED, PRO
BONO, OR SUMMARY JUDGMENT BE ENTERED.

RESPECTFULLY SUBMITTED,

Yael Shabtai

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1/24/08